

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:  
All Actions

**DECLARATION OF  
BENJAMIN W. HULSE IN  
SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL AGAINST  
KENNEDY HODGES**

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Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively "Defendants") in this litigation. I submit this affidavit in support of Defendants' Motion to Compel Against Kennedy Hodges LLP. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.
2. Attached as Exhibit A is a true and correct copy of an excerpt from the transcript of the February 7, 2017 hearing on Defendants' Motion to Compel Augustine (ECF No. 182).
3. Attached as Exhibit B is a true and correct copy of Plaintiffs' Responses to Defendants' First Requests for Production of Documents to Plaintiffs. Request No. 25 asks Plaintiffs to produce all communications they or their counsel have had with Dr. Scott Augustine and his related business entities. In response, Plaintiffs asserted the attorney-client and work product privileges and stated that "[n]o non-privileged responsive documents exist."

4. Attached as Exhibit C is a true and correct copy of Plaintiffs' Responses to Defendants' First Set of Interrogatories to Plaintiffs. Interrogatory No. 8 asks Plaintiffs to identify all communications between themselves or their counsel and Dr. Augustine and his related business entities. In response, Plaintiffs asserted the attorney-client and work product privileges and stated that "[n]o non-privilege, non-work product responsive documents exist."

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 9<sup>th</sup> day of March, 2017.

s/ Benjamin W. Hulse  
Benjamin W. Hulse